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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/027,205	
	Filing Date	February 20, 1998	
	First Named Inventor	Carl June et al.	
	Art. Unit	1644	
	Examiner Name	J. Roark	
Total Number of Pages in This Submission	4	Attorney Docket Number	36119.126US1

**ENCLOSURES** (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> - Supplemental Response to Update Interview Summary Pursuant to 37 C.F.R. Sec. 1.133 (3 Pages) - Return Postcard		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Colleen Superko, Reg. No. 39,850
Signature	<i>Colleen Superko</i>
Date	May 14, 2004

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DATE OF DEPOSIT 5/14/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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05-17-04

1644  
JPW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carl June *et al.*

Serial No.: 09/027,205

Filing Date: February 20, 1998

Docket No.: 36119-126US1

Title: **Methods for Modulating Expression of  
an HIV-1 Fusion Cofactor**

Art Unit: 1644

Examiner: J. Roark

Conf. No.: 2825

Cust. No.: 23483

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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5/14/04

Date of Deposit

Sharon R. Matthews

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL RESPONSE TO UPDATE EXAMINER'S INTERVIEW****SUMMARY PURSUANT TO 37 C.F.R. § 1.133**

Dear Sir:

Further to the Amendment and Response under 37 C. F.R. § 1.111, filed March 5, 2004, Applicants hereby supplement said Response by additionally clarifying the telephonic Examiner's Interview conducted on March 4, 2004 in the above-referenced application. An Examiner's Interview Summary dated March 26, 2004 was subsequently received by Applicants on March 29, 2004.

### **INTERVIEW SUMMARY**

On March 4, 2004, a telephonic Examiner's interview was held with Colleen Superko and Joseph Koipally participating on behalf of the Applicants, and Examiners Jessica Roark and Phillip Gambel participating from the United States Patent and Trademark Office.

Prior to the Examiner's Interview, Applicants' representatives forwarded by facsimile both Examiners a copy of a Declaration under 37 C.F.R. § 1.132, executed by Dr. Carl June on June 4, 2003 and filed with the Response of July 17, 2003 and a copy of a draft Declaration to address the alleged deficiencies of the June 4, 2003 Declaration raised in the Office Action of November 5, 2003.

Applicants' representatives initially provided an overview of the background of the claimed invention and its importance to the field of immunology.

Applicants' representatives proceeded to discuss the outstanding 35 U.S.C. § 102 rejections and inquired whether the draft Declaration would overcome those rejections. The Examiners indicated that the draft Declaration would likely not overcome the outstanding rejections, contrary to what had been previously stated in the Office Action (*see*, Office Action of January 17, 2003, page 6, fifth paragraph; and Office Action of November 5, 2003, page 8, fifth paragraph).

Applicants' representatives and the Examiners then discussed proposed claim language to distinguish over the cited documents. Specifically, the Examiners suggested that inclusion of a measuring step for assaying expression levels of CCR5/HIV fusion cofactors would appear to distinguish the claims over the cited documents. However, Examiner Roark indicated that she would need to conduct an updated search of the proposed amended claims to determine if the claims were patentable over the cited documents.

Applicants indicated that they would consider the Examiners' suggestions in preparing the Amendment and Response to the outstanding Office Action. Notably, the March 5, 2004 Amendment included this proposed claim language in the independent method claims 95-98.

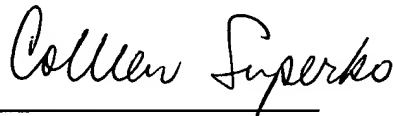
**CONCLUSION**

No fees are believed to be due in connection with this Supplemental Response. However, if any fees are due, please debit our Deposit Account No. 08-0219 for the requisite fee.

The Examiner is invited to telephone the undersigned at the telephone number given below in order to expedite the prosecution of the instant application.

Respectfully submitted,

Date: May 14, 2004



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